

### REMARKS

Claims 1-3, 6, 10-28, 33-36, and 39 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 31 and 32 are allowed, and Claims 29, 30, 37, and 38 have been rejected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Accordingly, Claims 1 and 19 have been amended. During a telephone conference between the Examiner and Applicant's representative, Nathan Witzany, on April 1, 2009, the above claim amendments were discussed. The Examiner seemed to indicate that the above amendments should overcome the rejection under 35 U.S.C. § 101.

Support for the amendments can be found at least on page 54 of Applicant's published PCT application (WO 00/78022), wherein Applicant recites:

All of the processes and components of the development system 40 are preferably executed by a computer program or programs. Alternatively the processes and components may be at least in part implemented by hardware circuits, such as ASICs.

Applicants assert that it is inherent to one skilled in the art that a system comprising a computer program or programs and/or hardware circuits includes data processing logic and that computer programs must be run on hardware components and stored on a computer-readable medium.

In view of the foregoing, it is respectfully submitted that the claims of record are in condition for formal allowance and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the

undersigned at the phone number below.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date:

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By:

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